

United States District Court
for
the District of Nevada

REQUEST WITHDRAWAL OF VIOLATION PETITION
September 6, 2019

Name of Offender: Willard Patrick Witham

Case Number: 2:14CR00053

Name of Sentencing Judicial Officer: Honorable Gloria M. Navarro

Date of Original Sentence: December 18, 2014

Original Offense: Distribution of Methamphetamine

Original Sentence: 60 Months prison, followed by 48 Months TSR.

Date Supervision Commenced: June 19, 2018

Name of Assigned Judicial Officer: Honorable Gloria M. Navarro

PETITIONING THE COURT

x : To dismiss, without prejudice, petition for warrant for offender under supervision, filed June 20, 2019.

x : Removal of home confinement with electronic monitoring

U.S. PROBATION OFFICER ACTION SUMMARY

Witham is scheduled to appear before Your Honor on September 6, 2019 for his final revocation hearing. The alleged violation conduct consisted of the following:

- The defendant shall not commit another federal, state, or local crime. To wit, Domestic Violence against his wife.

At this time, the parties recommend that the petition be dismissed without prejudice. Considering the totality of Witham's circumstances, his current medical condition and his adjustment to supervision, the probation office asserts that dismissing the petition without prejudice is a reasonable action taking all conditions into account.

RE: Willard Patrick Witham

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A brief update on Witham's medical situation and the status of his state, domestic battery case is indicated hereafter.

On August 24, 2019 the undersigned officer received notification from Witham (and Witham's employer) that he had been transported to the emergency room, due to a bad fall while at work.

On August 26, 2019 the undersigned officer was contacted by trauma medical staff at University Medical Center, that Witham's ankle monitor needed to be removed because he was scheduled for surgery later that same date. On August 26, 2019 the undersigned officer visited Witham (who was incoherent) in the trauma unit and removed the ankle bracelet in preparation for his surgery that same afternoon.

On August 27, 2019, the Court granted a stipulation to continue Witham's hearing for revocation of supervised release, which was reset to September 6, 2019. Since the filing of the stipulation to continue, Witham has remained (electronically) unmonitored and in the watchful care of medical staff at University Medical Center and now, at Desert Canyon Rehabilitation Center. Based on his serious medical situation and frequent, regular communications with the undersigned officer, the probation officer asserts that Witham does not present as a flight risk or community danger.

On September 4, 2019, the undersigned officer visited Witham at the Desert Canyon Rehabilitation facility. Witham reported that according to rehabilitative medical staff, he is expected to be released from rehabilitative care in about two-three months and is further ordered not to walk and remain on bed rest. The undersigned officer was able to corroborate Witham's report with his case worker and other attending, medical staff.

During the September 4, 2019 rehab visit, Witham reported that his state domestic battery charges were dismissed on August 21, 2019, based on his ex-wife's, recanted allegation surrounding the June 16, 2019 incident. Witham stated that his ex-wife had recently met with the City Attorney to recant her battery allegation she provided to Las Vegas Metropolitan Police Department (LVMPD) on June 16, 2019. Witham's ex-wife admitted to the city prosecutor, that she had used illegal drugs on June 16, 2019 and had also intentionally struck her face with her child's car seat to make a bruise mark on her face. Witham indicated that the City of Las Vegas is not seeking to prosecute Angela Witham for making false statements to police and further indicated that she has been sober from drugs and alcohol since July 22, 2019. Witham indicated that his ex-wife (and his adult daughter, Charisma Olivarez) have been staying at his house to help care for his children while he recovers at the hospital. The undersigned officer has verified that Witham's state, domestic battery case was ultimately dismissed.

If Witham incurs additional violations, the Probation Office will promptly notify the Court with recommendation for revocation proceedings. However, it appears that Witham remains motivated to comply with the Court's orders and make sobriety his top priority. Should the Court adopt the proposed recommendation the Probation Office would recommend Witham's hearing scheduled for this date (September 6, 2019) be vacated and revocation proceedings be dismissed. The undersigned officer has staffed the case with both Assistant U.S. Attorney Daniel Cowhig and Witham's attorney, Todd Levanthal, whom both concur with the proposed course of action.

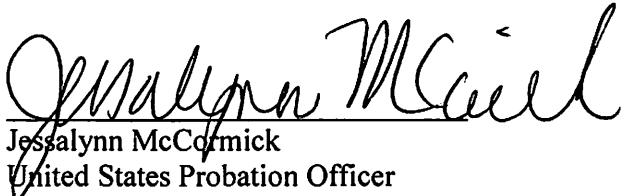
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As a result, the probation office is respectfully requesting that the petition be dismissed without prejudice.

Lastly, the probation office is respectfully requesting that the electronic, location monitoring component be removed as a condition of Witham's supervised release. This will also provide Witham the opportunity to physically recover (unencumbered) in the rehabilitative facility.

Respectfully submitted,



Jessalynn McCormick
United States Probation Officer

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Approved:

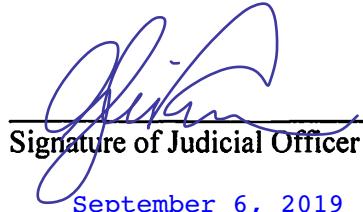


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Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- No Action.
- The extension of supervision as noted above.
- The modification of conditions as noted above
- Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

September 6, 2019

Date